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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,139	04/02/2004	Lawrence M. Sherman	07473-038	1499
7590 08/10/2007 MINTZ, LEVIN, COHN, FERRIS GLOVSKY and POPEO, P.C. One Financial Center Boston, MA 02111			EXAMINER OYEBISI, OJO O	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 08/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/817,139

Applicant(s)

SHERMAN, LAWRENCE M.

Examiner

OJO O. OYEBISI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-95 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-95 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/02/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-14, 20-22, 26-29, 31-51, 57-60, 64-66, and 68-83 are rejected under 35 U.S.C. 102(e) as being anticipated by Moore et al (Moore hereinafter, PUB NO.: 2004/0088261).

**Re claim 1.** Moore discloses a method of targeting savings comprising: providing a request format to a user to target savings deposits (i.e., automatic value transfer to a savings account, See paras 0044), the request format being a part of a debit statement a financial institution provides to the user (see paras 0043); composing a request to target savings deposits using the request format (i.e., enrollment form page that presents account owner with a variety of data entry boxes to accept information about the user, see paras 0045); the request including data the user designates; and sending the request format to the financial institution (i.e., the account owner verify the enrollment information, see paras 0045).

**Re claims 2, 3-14.** Moore further discloses the method wherein the data the user

designates includes a total dollar amount of money to be saved (see paras 0045, 0047, 0054, 0057).

**Re claims 20-22, 26-29 and 31-36.** Moore further discloses the method further comprising receiving at the financial institution an acceptance from the user of the at least one targeted savings plan (see paras 0045, 0047 and 0054).

**Re claim 37.** Moore further discloses the method wherein the debit statement includes one or more of a credit card statement, a mortgage statement and a brokerage account statement (see paras 0057).

**Re claim 38.** Moore further discloses a network-implemented system of targeting savings comprising: at least one customer computing device operatively coupled to a network for operation by at least one user; at least one central bank computing device operatively coupled to the network for operation by at least one financial institution, each of the central bank computing device and the customer computing device being configured and arranged to establish a communications and data exchange link with one another through the network (see fig.1); the central bank computing device being programmed to transmit to the customer computing device a request format for the user to target savings deposits (i.e., automatic value transfer to a savings account, See paras 0044), the request format being a part of a debit statement the financial institution provides to the user (see paras 0043); the central bank computing device being programmed to receive the request format the customer computing device transmits to the central bank computing device, the request format being composed by the user using the customer computing device and including data the user designates (i.e.,

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enrollment form page that presents account owner with a variety of data entry boxes to accept information about the user, see paras 0045); and the central bank computing device being further programmed to receive the request format with a debit payment to the financial institution the customer computing device transmits to the central bank computing device (see paras 0045).

**Re claims 39, 40-51.** Moore further discloses the system wherein the data the user designates includes a total dollar amount of money to be saved (see paras 0045, 0047, 0054, 0057).

**Re claims 57-60, 64-66, and 68-73.** Moore further discloses the system further comprising the central bank computing device being programmed to receive an acceptance of the at least one targeted savings plan the user transmits to the central bank computing device using the customer computing device (see paras 0045, 0047 and 0054).

**Re claim 74.** Moore further discloses the system the debit statement includes one or more of a credit card statement, a mortgage statement and a brokerage account statement (see paras 0057).

**Re claims 75, 76-78.** Moore further discloses a method of targeting savings comprising: providing a request format to a user to target savings deposits (i.e., automatic value transfer to a savings account, See paras 0044), the request format being a part of a debit statement a financial institution provides to the user in an electronic form using computing means configured to access and to establish a communications link with a network (see paras 0043); composing a request to target savings deposits using the

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request format (i.e., enrollment form page that presents account owner with a variety of data entry boxes to accept information about the user, see paras 0045), the request including data the user designates; and sending the request format to the financial institution (see paras 0045).

**Re claims 79, 81-83.** Moore further discloses a method of targeting savings comprising: providing a request format to a user configured to target savings deposits (i.e., automatic value transfer to a savings account, See paras 0044), the request format being a part of a statement a financial institution provides to the user (see paras 0043); composing a request to target savings deposits using the request format (i.e., enrollment form page that presents account owner with a variety of data entry boxes to accept information about the user, see paras 0045), the request including data the user designates; and sending the request format to the financial institution (see paras 0045).

**Re claims 80.** Moore further discloses the method wherein the statement includes one of a credit card account statement, a mortgage account statement, a brokerage account statement, a checking account statement and a savings account statement (see paras 0057).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims **15-17, 23-25, 30, 52-54, 61-63, 67, 84, 85-95** are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Lancaster et al (Lancaster hereinafter, PUB NO.: 2002/0194094).

**Re claims 15-17, 23-25, 30.** Moore does not explicitly disclose the method wherein the at least one savings plan includes a rate of return the financial institution pays on the balance of the one or more periodic savings deposits. However, Lancaster makes that disclosure (see fig.6a). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Moore and Lancaster to provide maximum utility and benefit to the customers, while also providing a rate of return and benefit to the financial institution.

**Re claims 52-54, 61-63 and 67.** Moore does not explicitly disclose the system wherein the at least one targeted savings plan includes a rate of return the financial institution pays on a balance of the one or more periodic savings deposits. However, Lancaster makes that disclosure (see fig.6a). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Moore and Lancaster to provide maximum

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utility and benefit to the customers, while also providing a rate of return and benefit to the financial institution.

**Re claim 84, 85-95.** Moore further discloses the method wherein the targeted savings data includes at least one of a target dollar amount of money to be saved, a purpose for saving a target dollar amount of money, a target date by which a target dollar amount of money is to be saved, an amount of a periodic targeted savings deposit, a balance of periodic targeted savings deposits paid (see paras 0045, 0047, 0054, 0057)

except for a rate of return on a balance of periodic targeted savings deposits paid.

However, Lancaster discloses a rate of return on a balance of periodic targeted savings deposits paid (see fig.6a). Thus it would have been obvious to one of ordinary skill in the art to combine the teachings of Moore and Lancaster to provide maximum utility and benefit to the customers, while also providing a rate of return and benefit to the financial institution.

5. Claims 18-19 and 55-56, are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore.

**Re claims 18-19.** Moore does not explicitly disclose the method wherein the at least one targeted savings plan includes a designation of one or more types of securities the financial institution purchases with the one or more periodic savings deposits. However, the examiner is taking official that a designation of one or more types of securities the financial institution purchases with the one or more periodic savings deposits. For example, Thrift Savings Plan (TSP) allows the plan participants to engage in deposits contribution allocation by designating one or more types of securities the financial



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institution purchases with the one or more periodic savings deposits. Thus it would have been obvious to one of ordinary skill in the art to incorporate what is old and well known in the art into Moore to give customers control over how their savings deposits is invested.

**Re claims 55-56.** Moore does not explicitly disclose the system wherein the at least one targeted savings plan includes a designation of one or more types of securities the financial institution purchases with the one or more periodic savings deposits. However, the examiner is taking official that a designation of one or more types of securities the financial institution purchases with the one or more periodic savings deposits. For example, Thrift Savings Plan (TSP) allows the plan participants to engage in deposits contribution allocation by designating one or more types of securities the financial institution purchases with the one or more periodic savings deposits. Thus it would have been obvious to one of ordinary skill in the art to incorporate what is old and well known in the art into Moore to give customers control over how their savings deposits is invested.

### ***Conclusion***

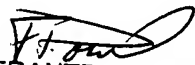
Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ABDI, KAMBIZ can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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PRIMARY EXAMINER  
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